

ASSEMBLY BILL

No. 1734

Introduced by Committee on Elections and Redistricting

March 14, 2007

An act to amend Sections 13102 and 15375 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 1734, as introduced, Committee on Elections and Redistricting. Elections: record format.

(1) Existing law requires a county elections official to maintain a record of which political party's ballot, or whether a nonpartisan ballot, was requested at a partisan primary election by each person who declined to state a party affiliation, and to make that record available to authorized persons or committees, as specified.

This bill would require that a produced record be made available in either a printed or electronic format, as requested by the authorized person or committee. By increasing the duties of county elections officials, this bill would impose a state-mandated local program.

(2) Existing law requires an elections official to send certain election results to the Secretary of State in the manner requested by the secretary.

This bill would instead require an elections official to provide the secretary with certain election results in both an electronic and print format. By imposing new duties on local elections officials, this bill would impose a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 13102 of the Elections Code is amended
2 to read:
3 13102. (a) All voting shall be by ballot. There shall be
4 provided, at each polling place, at each election at which public
5 officers are to be voted for, but one form of ballot for all candidates
6 for public office, except that, for partisan primary elections, one
7 form of ballot shall be provided for each qualified political party
8 as well as one form of nonpartisan ballot, in accordance with
9 subdivision (b).
10 (b) At partisan primary elections, each voter not registered as
11 intending to affiliate with any one of the political parties
12 participating in the election shall be furnished only a nonpartisan
13 ballot, unless he or she requests a ballot of a political party and
14 that political party, by party rule duly noticed to the Secretary of
15 State, authorizes a person who has declined to state a party
16 affiliation to vote the ballot of that political party. The nonpartisan
17 ballot shall contain only the names of all candidates for nonpartisan
18 offices and measures to be voted for at the primary election. Each
19 voter registered as intending to affiliate with a political party
20 participating in the election shall be furnished only a ballot of the
21 political party with which he or she is registered and the
22 nonpartisan ballot, both of which shall be printed together as one
23 ballot in the form prescribed by Section 13207.
24 (c) A political party may adopt a party rule in accordance with
25 subdivision (b) that authorizes a person who has declined to state
26 a party affiliation to vote the ballot of that political party at the
27 next ensuing partisan primary election. The political party shall
28 notify the party chair immediately upon adoption of that party rule.
29 The party chair shall provide written notice of the adoption of that
30 rule to the Secretary of State not later than the 135th day prior to
31 the partisan primary election at which the vote is authorized.

(d) The county elections official shall maintain a record of which political party's ballot was requested pursuant to subdivision (b), or whether a nonpartisan ballot was requested, by each person who declined to state a party affiliation. The record shall be made available to any person or committee who is authorized to receive copies of the printed indexes of registration for primary and general elections pursuant to Section 2184. *A record produced pursuant to this subdivision shall be made available in either a printed or electronic format, as requested by the authorized person or committee.*

~~(e) This section shall become operative on March 6, 2002.~~

SEC. 2. Section 15375 of the Elections Code is amended to read:

15375. The elections official shall send to the Secretary of State within 35 days of the election ~~in the manner requested both~~ *an electronic and print format* one complete copy of all results as to all of the following:

(a) All candidates voted for statewide office.

(b) All candidates voted for the following offices:

(1) Member of the Assembly.

(2) Member of the Senate.

(3) Member of the United States House of Representatives.

(4) Member of the State Board of Equalization.

(5) Justice of the Court of Appeal.

(6) Judge of the superior court.

(c) All persons voted for at the presidential primary. The results for all persons voted for at the presidential primary for delegates to national conventions shall be canvassed and shall be sent within 28 days after the election.

(d) The vote given for persons for electors of President and Vice President of the United States. The results for presidential electors shall be endorsed "Presidential Election Returns."

(e) All statewide measures.

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

O